

MAY 11 2007


Clerk

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

* * * * *

HENRY A. KASDORF,

CIV. 06-4040

Plaintiff,

vs.

OPINION AND
ORDER ON MOTIONS

BOB DOOLEY, Warden; and
DOUG WEBER, Warden;
all Defendants in their individual and
official capacities,

Defendants.

* * * * *

Pending is Plaintiff's Motion for Copies of Entire File (Doc. 40) wherein Plaintiff requests copies of every document filed in this case. In particular, Plaintiff requests a copy of his original eleven page complaint.

Also pending is Plaintiff's Motion Requesting a Refund of Filing Fees (Doc. 43) wherein he requests any "monies collected on my appeals case" be refunded to him "since I've canceled the case all together." While it is correct that Plaintiff voluntarily dismissed his appeal in this matter, one of the purposes of the Prison Litigation Reform Act is to

require the prisoners to pay a very small share of the large burden they place on the Federal judicial system by paying a small filing fee upon commencement of lawsuits. In doing so, the provision will deter frivolous inmate lawsuits. The modest monetary outlay will force prisoners to think twice about the case and not just file reflexively. Prisoners will have to make the same decision that law abiding Americans must make: Is the lawsuit worth the price?

Roller v. Gunn, 107 F.3d 227, 231 (4th Cir. 1997) (quoting 141 Cong. Rec. at S7526 (May 25, 1995)
cert. den., 522 U.S. 874, 118 S.Ct. 192, 139 L.Ed.2d 130 (1997). See also In Re: Tyler, 110 F.3d

528, 529-30 (8th Cir. 1997) (prisoner will be assessed full filing fee even if his case is dismissed because "the PRLA makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal.").

When an inmate seeks pauper status, the only issue is whether the inmate pays the entire fee at the initiation of the proceeding or over a period of time under an installment plan. Thus, prisoners who appeal judgments in civil cases must sooner or later pay the appellate filing fees in full.

Henderson v. Norris, 129 F.3d 481 (8th Cir. 1997).

ORDER

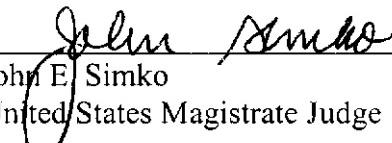
After a review of the record herein, and based on the above discussion, it is hereby

ORDERED that:

1. Plaintiff's Motion for Copies (Doc. 40) is GRANTED in part and the clerk of court shall provide a copy of the original complaint (Doc. 1) to plaintiff at no cost to him. The balance of Plaintiff's motion is DENIED.
2. Plaintiff's Motion for Requesting a Refund of Filing Fees (Doc. 43) is DENIED.

Dated this 11th day of May, 2007.

BY THE COURT:


John E. Simko
United States Magistrate Judge

ATTEST:

JOSEPH HAAS, CLERK

By: , Deputy